



City of Rochester, NY

VARIANCE (SECTION 120-195B) BUREAU OF BUILDINGS AND ZONING CITY HALL, 30 CHURCH STREET, ROOM 125B ROCHESTER, NEW YORK 14614

APPLICATION

APPLICATIONS ARE ACCEPTED BY APPOINTMENT ONLY. To schedule an appointment, please contact Matthew Simonis by phone at (585) 428-6637 or by email at zoningboard@cityofrochester.gov.

Office Use checkboxes for AREA VARIANCE APPLICATION REQUIREMENTS (1-10) and USE VARIANCE APPLICATION REQUIREMENTS (1-2). Includes IMPORTANT and POSTING REQUIREMENT sections.

What is an Area Variance? An Area Variance is authorization by the Zoning Board of Appeals for the use of land in a manner that is not permitted by regulations of Zoning Ordinance related to: a dimension, such as size, height and setback; physical requirements; the expansion, structural alteration or enlargement of a nonconforming use; a waiver of additional requirements for specified uses; any City-wide or Village Center design standards.

What is a Use Variance? A Use Variance is authorization by the Zoning Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the Zoning Ordinance.

[FOR OFFICE USE ONLY]

ADDRESS: FILE NUMBER: DATE FILED: FEE:

COMMON APPLICATION QUESTIONS

WHAT IS THE PROCESS?

1. Once accepted, the application is placed on the agenda for the next available Board or Commission public hearing. A public notification sign will be given to the applicant and must be posted at least twenty (20) days prior to the public hearing.
2. The applicant will be notified in writing of the date, place and time of the public hearing. In addition, property owners within a 600 foot radius of the affected property will be notified by mail of the pending application.
3. A Staff Report, prepared by a zoning staff person, containing all project information and documentation will be mailed to the applicant and the Board or Commission members prior to the scheduled hearing date.
4. It is the applicant's responsibility to attend the public hearing to present their proposal and to answer questions of the Board or Commission.
5. The Board or Commission will generally make its decision the same day as the hearing.
6. Written decisions of the Board or Commission are mailed to the applicant within ten (10) days following the Board or Commission's decision.

WHAT HAPPENS IF THE APPLICATION IS APPROVED?

An approval, or an approval on condition, does not authorize the proposed work to proceed, **but** only authorizes the filing of applications for permits or other approvals which may be required by City Code.

The rights to the approval will expire if a permit is not obtained and maintained within one (1) year of the filing date of the decision. The applicant may request an extension in writing from the Manager of Zoning prior to the expiration of the approval. A nonrefundable fee of \$100 is required for an extension of time.

WHAT HAPPENS IF THE APPLICATION IS DENIED?

An appeal from any final decision of a Board or Commission must be taken within 30 days of the filing date of the decision in accordance with Article 78 of the New York Civil Practice Law and Rules.

PROJECT INFORMATION

PLEASE TYPE OR PRINT

1. PROJECT ADDRESS(ES): _____

2. APPLICANT: _____ COMPANY NAME: _____

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS _____

INTEREST IN PROPERTY: Owner _____ Lessee _____ Other _____

3. PLAN PREPARER: _____

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

4. ATTORNEY: _____

ADDRESS: _____ CITY: _____ ZIP CODE: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS _____

5. ZONING DISTRICT: _____

6. DETAILED PROJECT DESCRIPTION (additional information can be attached): _____

7. LENGTH OF TIME TO COMPLETE PROJECT (Attach schedule if phased:) _____

APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

SIGNATURE: _____ **DATE:** _____

OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

SIGNATURE: _____ **DATE:** _____

Board Member Site Visits

As part of their responsibilities for reviewing your variance application, Zoning Board of Appeals members (ZBA Members) are required to conduct site visits of the subject property to enable them to observe the property and the context of the neighborhood and adjacent properties. Some applications involve a project that is not visible from the public right-of-way and it may be necessary for ZBA Members to access your property to observe portions of the exterior of the property not visible from the right-of-way. By signing below, you are attesting that you understand this information and authorize the ZBA Members to enter onto the rear or side areas of your property, as necessary, to conduct their site visit for your variance application.

Property Owner Signature

Date

Please note that if you do not authorize the ZBA Members to access your property, you must provide additional photographic evidence of the area of your property that is not visible from the right-of-way. Failure to permit property access to ZBA Members or to provide adequate photographic evidence may result in the denial of your application if there is insufficient evidence to establish that the variance standards have been met.